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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/275,010 03/24/99 KANTERAKIS

E GBTI52US

TM02/0529

EXAMINER

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ART UNIT	PAPER NUMBER
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2631

DATE MAILED:

05/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/275,010

Applicant(s)

Emmanuel Kanterakis et al.

Examiner
Tesfaldet BocureArt Unit
2631

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03/24/1999, 04/14/2000 & 6/13/2000

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 5-30 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 5-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) Other: _____

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DETAILED ACTION

Drawings

1. The drawings received on 03/22/99 have objected by the Draftsperson, attached is 948 with this correspondence.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5: It has been claimed that the power control signals is received from the base station at the authorized remote station in line s 10-11, and again in lines 12-14, a power control signal is transmitted over a common packet channel to the respective authorized remote station, which is confusing and seems redundant.

Claim 16: the claimed “certain received signals” in claims 16 line 4 is vague and indefinite. What are “the certain received signals”?

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[®] and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5-22 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Esmailzadeh et al.** (US patent number 6,163,533) in view of **Gilhousen et al.** (US patent number 5,103,459).

Esmailzadeh et al. teaches a CDMA-Aloha transmission system (see figures 6 and 7) having mobile units and base unit comprising means and steps for: transmitting by the mobile units an access preamble signal at an increasing power (power ramping); receiving the access

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power control signal by the base unit and detecting a power levels acceptable, from the received ramp power, for communicating between the mobile and the base station, and handshaking (claimed ACK between the mobile and base units) thereafter; and commencing data communication between the base unit and mobile units at detected power level as in claims 5-9,11,12,14-18,20-15 and 27-30. See specification starting col. 1, line 35 through col. 3, line 38 and cols 5-7.

What **Esmailzadeh et al.** fails to teach is that: the base unit transmitting frame timing common over a sync. channel and authorizing the mobile unit as in claims 5,13,16,20,27 and 29; the base units and mobile units having controller for controlling the claimed operation of the transmitters and receivers of the base units and mobile units as in claims 11 and 16; and collision detection transmitted by the mobile and base units as in claims 10,19 and 26.

Gilhousen for the same endeavor as the instant application and that of **Esmailzadeh et al.** teaches a communication system (fig.1) for communicating spread spectrum communication signal (CDMA) between a plurality of base stations (12 and 14) and mobile stations (16 and 18) comprising: the base station transmitting a common timing signal (cols 5-6) to the mobile station; authorizing the plurality of mobile stations according to the timing signal (col. 6, lines 38-55); and base station receiving data from the the mobile station (see figure 2) as in claims 5,16,20,27 and 29.

Further to claims 11 and 16 **Gilhousen** also teaches that: the base station having a transmitter (56, 452), receiver (66, 434) and controller (48, 446). Wherein the controller (48,

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446) controls the functions of the transmitter and receiver by: processing the received signals to and from respectively by the base unit and the mobile station, detects the power level of the received signal, transmitter (66) transmits data and power control signals to the mobile stations, and transmitting a common timing signal to the mobile station.

Further to claim 20 **Gilhousen** also teaches that the base station transmits a power control signal (56 fig. 2), and the CDMA base station further transmits data received from the mobile station to another network element (see element 10 in figure 1).

Therefore it would have been obvious to one of an ordinary skill in the art to use the controller, timing synchronization and authorization of **Gilhousen** in the system of **Esmailzadeh et al.** For synchronizing the mobile unit to the timing of base station for effectively transmitting and receiving packet at the time the invention was made.

Gilhousen and **Esmailzadeh et al.** teach that the current system uses an Slotted-ALOHA access method (see col. 35, lines 63 through col. 36, line 4) however, silent in describing the detail of ALOHA accessing method as in claims 5-30. However, such frame transmission of data and timing signal in ALOHA accessing method transmitting first and second acknowledgment signals, and receiving and transmitting collision detection signals as in claims 10,12,19 and 26 is well known in Slotted-ALOHA accessing method.

Therefore, it would have been obvious to one of an ordinary skill in the art to incorporate frame transmission of data and timing, receiving preamble, transmitting first and second

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acknowledgment signals, and receiving and transmitting collusion detection in the ALOHA accessing method of **Gilhousen and Esmailzadeh et al.** at the time the invention was made.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent numbers 5,280,472; 5,537,397 and 5,544,196 issued to Gilhousen et al., Abramson and Tiedemann, Jr. et al., respectively disclose a CDMA transmission using slotted ALOHA.

a. US patent numbers 5,621,723; 6,028,851 and 6,115,390 issued to Walton, Jr. et al., Persson et al. And Chuah disclose a CDMA/Aloha transmission system having mobile unit and base units, where in the mobile units transmitting an access burst with ramping power.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Monday through Thursday the first week of a bi-week and Monday through Friday the second week of a bi-week from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305- 4378. The fax phone number for the

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organization where this application or proceeding is assigned is (703) 308-4743 or (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

T.Bocure

May 24, 2001

*Tesfaldet Bocure
Primary Examiner
Art Unit 2631*